

**MORRISON & FOERSTER LLP**

OCT 27 2004

Attorneys at Law  
3811 Valley Centre Drive, Suite 500  
San Diego, California 92130-2332  
Telephone: (858) 720-5100  
Facsimile: (858) 720-5125

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Facsimile: (703) 872-9306

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**Comments:**

Attorney Docket: 524412000200  
Group Art Unit: 1631  
Examiner: L. A. Clow  
Application No.: 09/696,801  
Filing Date: October 25, 2000  
Inventor(s): Lee A. BULLA, Jr. et al.  
Title: GENE MINING SYSTEM AND METHOD

**Papers attached:**

1. Transmittal Form PTO/SB/21 (1 page)
2. Amendment Under 37 C.F.R. § 1.116 (8 pages)

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PTO/SB/21 (04-04)

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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	09/696,801
		Filing Date	October 25, 2000
		First Named Inventor	Lee A. BULLA, Jr.
		Art Unit	1631
		Examiner Name	L. A. Clow
Total Number of Pages in This Submission	10	Attorney Docket Number	524412000200

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (8 pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax cover sheet addressed to MS AF (1 page)
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Firm or Individual name	MORRISON & FOERSTER LLP Kate H. Murashige - 29,959
Signature	<i>Kate H. Murashige</i>
Date	October 27, 2004

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Dated: October 27, 2004	Signature: <i>Marian L. Christopher</i> (Marian L. Christopher)

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(Marian Christopher)Docket No.: 524412000200  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Lee A. BULLA, Jr. et al.

Application No.: 09/696,801

Filed: October 25, 2000

For: GENE MINING SYSTEM AND METHOD

Art Unit: 1631

Examiner: L. A. Clow

AMENDMENT UNDER 37 C.F.R. § 1.116

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to an Office Action herein, mailed 10 August 2004, time for response to which was set to expire 10 November 2004. This is the second response formally submitted to the final rejection. Applicants appreciate the willingness of Examiner Clow to discuss proposed amendments to this case designed to overcome the outstanding bases for rejection, both formal matters under 35 U.S.C. § 112, paragraph 2. In a telephone interview on 26 August 2004, proposed language was tentatively approved by the Examiner, and these proposed amendments were submitted formally on 26 August 2004. However, an Advisory Action followed on 17 September 2004 and entry of the amendments was refused. Examiners Clow and Moran kindly agreed to an in-person interview on 21 October 2004, and it is believed that agreement was reached on suitable amendments to the claims to place them in a condition for allowance. These amendments appear below.

sd-227242